

**FILED**

UNITED STATES DISTRICT COURT

FEB 20 2018

District of

MONTANA, Great Falls Division

UNITED STATES OF AMERICA

V.

HUNTER BURNS CONSTRUCTION, LLC

AMENDED JUDGMENT IN A CRIMINAL CASE  
(For Organizational Defendants)

Clerk, U.S. District Court  
Great Falls

CASE NUMBER: CR 13-99-GF-BMM-03

\*Joslyn Hunt

Defendant Organization's Attorney

Date of Original Judgment: 7/10/2014  
(or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. § 3742(f)(1) and (2))  
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))  
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))

- ☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)  
☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))  
☒ Modification Due to Material Change in Economic Circumstances (18 U.S.C. § 3572(d)(3))

THE DEFENDANT ORGANIZATION:

☒ pleaded guilty to count(s) I of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 286	False Claims Act Conspiracy	4/22/2010	1

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

☐ The defendant organization has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) II and III ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's  
Federal Employer I.D. No.: 27-0302540

Defendant Organization's Principal Business Address:

173 Douglas Fir Street  
Box Elder, MT 59521

7/10/2014

Date of Imposition of Judgment

Signature of Judge

Brian Morris

United States District Judge

Name of Judge

Title of Judge

2/20/2018

Date

Defendant Organization's Mailing Address:

P.O. Box 86  
Box Elder, MT 59521

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### PROBATION

The defendant organization is hereby sentenced to probation for a term of:

42 months

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is be a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions below or on the attached page (if indicated below).

### STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer at least ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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### SPECIAL CONDITIONS OF SUPERVISION

1. HUNTER BURNS CONSTRUCTION, LLC, and HUNTER BURNS will provide the United States Probation Officer with any requested financial information and shall incur no new lines of credit without prior written approval of the United States Probation Officer.
2. All employment must be approved in advance in writing by the United States Probation Office. HUNTER BURNS CONSTRUCTION, LLC, and HUNTER BURNS shall consent to third-party disclosure to any employer or potential employer.
3. HUNTER BURNS CONSTRUCTION, LLC, and HUNTER BURNS will fulfill all tax obligations in adherence to Internal Revenue Service requirements.
4. HUNTER BURNS CONSTRUCTION, LLC, and HUNTER BURNS shall submit his person, residence, place of employment, vehicles, and papers, to a search, with or without a warrant by any probation officer based on reasonable suspicion of contraband or evidence in violation of a condition of release. Failure to submit to search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The defendant shall allow seizure of suspected contraband for further examination.
5. HUNTER BURNS CONSTRUCTION, LLC, and HUNTER BURNS shall comply with suspension and debarment provisions set forth by the United States Department of the Interior.
6. IT IS ORDERED THAT HUNTER BURNS CONSTRUCTION, LLC, and HUNTER BURNS shall pay a fine in the amount of \$100,000 jointly and severally, in the total amount of \$3,000 per month, or as otherwise directed by United States Probation. Payment shall be made to the Clerk, United States District Court, Missouri River Courthouse, 125 Central Ave West, Ste 110, Great Falls, Montana 59404.
7. IT IS ORDERED THAT HUNTER BURNS CONSTRUCTION LLC shall pay a fine in the amount of \$25,000 at a rate of \$750 per month, or as otherwise directed by United States Probation. Payment shall be made to the Clerk, United States District Court, Missouri River Courthouse, 125 Central Avenue West, Ste. 110, Great Falls, MT 59404.
8. Pursuant to 18 U.S.C. § 3572(d)(3), HUNTER BURNS CONSTRUCTION, LLC, will notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine. Upon receipt of such notice, the court may, on its own motion or the motion of any party, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

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### CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400.00	\$ 125,000.00	\$ 0.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$ 0.00	\$ 0.00	

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

\* ☐ The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

\* ☒ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

\* ☒ the interest requirement is waived for the ☒ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are be due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☐ in accordance with ☐ C or ☐ D below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below; or
- C ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Special instructions regarding the payment of criminal monetary penalties:

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant numbers), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

Defendant Hunter Burns Construction, LLC, CR 13-99-GF-BMM-03;

Co-Defendant Hunter Burns, CR 13-99-GF-BMM-04;

Total Amount: \$100,000 Joint and Several: \$100,000

Payee: Clerk, United States District Court, Missouri River Courthouse, 125 Central Ave. West, Ste. 110, Great Falls, Montana 59404

- ☐ The defendant organization shall pay the cost of prosecution.
- ☐ The defendant organization shall pay the following court cost(s):
- ☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.